

May-13-2008 02:47pm From-SEPRACOR-PATENT

508-357-7894

T-475

P.002/003 F-211

1 Christopher C. Hoffman (CA Bar No.:176334)
choffman@laborlawyers.com

2 Megan C. Winter (CA Bar No.: 241429)
mwinter@laborlawyers.com

3 FISHER & PHILLIPS LLP
 4225 Executive Square, Suite 950
 4 La Jolla, California 92037
 Telephone (858) 597-9600
 5 Facsimile (858) 597-9601

6 Attorney for Defendant
 SEPRACOR, INC.

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 AMY SHERLOCK, an individual,

11 Plaintiff,

12 vs.

13 SEPRACOR, INC.; and DOES 1 TO 50,
 14 inclusive,

15 Defendants.

Via fax

Case No.: 08 CV 0865 WQH (POR)

[Removed from State Court
 Case No.: 37-2008-00081814-CU-WT-CTL]

DECLARATION OF MARK WANDA IN
 SUPPORT OF SEPRACOR INC.'S
 NOTICE OF REMOVAL OF ACTION TO
 THE UNITED STATES DISTRICT
 COURT OF THE SOUTHERN DISTRICT
 OF CALIFORNIA

(Diversity Jurisdiction)

COMPLAINT FILED: 4/14/08

16 I, Mark Wanda, declare as follows:

17 1. I am Deputy General Counsel for Defendant Sepracor, Inc. ("Sepracor"). I
 18 have personal knowledge of the facts set forth herein and, if called as a witness, I could and
 19 would competently testify thereto.

20 2. Plaintiff Amy Sherlock was employed by Sepracor in San Diego, California
 21 from November 2006 – September 2007.

22 3. Sepracor's principal place of business is located Marlborough, Massachusetts.
 23 The day-to-day management, administrative and executive functions of Sepracor are
 24 performed out of the Massachusetts office.

25 4. Sepracor is currently and always has been a corporation organized and existing

DECLARATION OF MARK WANDA IN SUPPORT OF DEF. SEPRACOR, INC.'S NOTICE OF REMOVAL


CR

1 under the laws of the State of Delaware.

2 5. Sepracor has never been a California corporation. Sepracor is simply
3 authorized to transact business in the State of California as a foreign corporation.

4 I declare under penalty of perjury under the laws of the state of Massachusetts that the
5 foregoing is true and correct.

6 Executed this 13th day of May 2008 at 1:40 pm.

7
8 
9 Mark Wanda

PROOF OF SERVICE
(C.C.P. § 1013(a) and § 2015.5)

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)

I am employed in the County of San Diego, State of California. I am over the age of eighteen years and not a party to the within action. I am employed with the law offices of Fisher & Phillips LLP and my business address is 4225 Executive Square, Suite 950, La Jolla, California 92037.

On May 14, 2008, I caused the within document(s) entitled: **DECLARATION OF MARK WANDA IN SUPPORT OF SEPRACOR INC.'S NOTICE OF REMOVAL TO FEDERAL COURT**; to be served on all interested parties in this action by placing [] the original / [X] a true copy thereof, in a sealed envelope addressed as follows:

Michael K. Newlee, Esq.
Law Office of Michael K. Newlee
3990 Old Town Avenue, Suite 200A
San Diego, CA 92110
619/291-2866 fax

Attorney for Plaintiff
Amy Sherlock

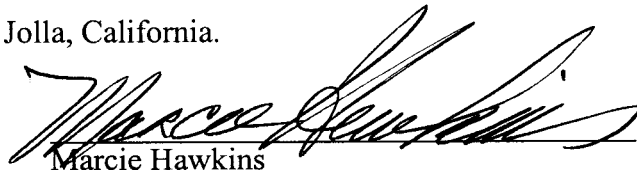
[X] **MAIL** - I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at La Jolla, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

[] **FAX** - I caused the document(s) listed above to be telefaxed to the aforementioned facsimile number(s).
The facsimile machine I used complied with California Rules of Court, Rule 2003(3) and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2005(i), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

[] **BY PERSONAL SERVICE** - Such envelope(s) were delivered by hand to the individuals listed above.

[X] **STATE** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 14, 2008, at La Jolla, California.


Marcie Hawkins